

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: AMERICAN MEDICAL
COLLECTION AGENCY, INC.,
CUSTOMER DATA SECURITY
BREACH LITIGATION

Case No.: 2:19-MD-02904-MCA-MAH

MDL 2904

SPECIAL DISCOVERY MASTER ORDER

*This Document Relates To:
Quest/Optum360 Track*

WHEREAS, this matter between Plaintiffs and Defendants Sonic Healthcare USA, Aurora Diagnostics, LLC, Austin Pathology Associates, and Clinical Pathology Laboratories (collectively, “Defendants”) having come before the undersigned Special Discovery Master, appointed by Order entered on July 19, 2023, to address a series of written discovery disputes (ECF No. 550); and the Special Discovery Master having considered the fully briefed discovery disputes set forth in the Parties’ Letters dated December 8, 2023 (ECF No. 627) and December 22, 2023 (ECF No. 633); and the Special Discovery Master having considered the arguments of counsel during the February 23, 2024 discovery dispute hearing, which was transcribed by a Certified Court Reporter, the transcript of which is attached hereto; and for the reasons stated on the record; and for other good cause shown;

IT IS on this ____ day of March 2024, ORDERED as follows:

1. Plaintiffs’ request for a sanction pursuant to Fed. R. Civ. P. 37 barring the introduction of certain evidence in these proceedings is **DENIED**.
2. Defendants may designate, in whole or in part, the testimony of any witnesses testifying pursuant to Rule 30(b)(1) as testimony binding upon Defendants pursuant to Rule

30(b)(6). Defendants shall advise Plaintiffs and the undersigned of any such designation within fourteen (14) days of the entry of this Order.

3. Plaintiffs may propound written questions upon Defendants pertaining to the topics set forth in the June 6, 2023 deposition notices pursuant to Fed. R. Civ. P. 30(b)(6). Defendants shall provide certified responses to such written questions within thirty (30) days, which responses shall be tantamount to deposition testimony pursuant to Fed. R. Civ. P. 30(b)(6).

4. In response to the written questions described in Paragraph 3, Defendants may set forth any objections to such questions; however, the questions must be answered unless (i) subject to the attorney-client privilege or other applicable privilege; (ii) precluded by an Order of the Court; or (iii) Defendants move before the undersigned for a protective order.

5. Plaintiffs may not re-depose any Rule 30(b)(6) witness absent leave of the undersigned.



Mark Falk, Special Master